
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

RONALD K. GROVER,

Plaintiff,

v.

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security**

Defendant.

**ORDER AFFIRMING & ADOPTING
REPORT & RECOMMENDATION**

Case No. 2:22-CV-605-DAK-JCB

Judge Dale A. Kimball

Magistrate Judge Jared C. Bennett

This case was assigned to United States District Court Judge Dale A. Kimball, who then referred the case to United States Magistrate Judge Jared C. Bennett under 28 U.S.C. § 636(b)(1)(B). On May 3, 2023, Magistrate Judge Bennett issued a Report and Recommendation [ECF No. 29], recommending that the court affirm the Commissioner's decision and dismiss Plaintiff's appeal.

The Report and Recommendation notified Plaintiff that any objection to the Report and Recommendation must be filed within fourteen days of receiving it. Plaintiff timely filed his objections to the Magistrate Judge's Report and Recommendation. Defendant then filed a response to Plaintiff's objections.

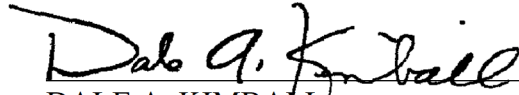
A Magistrate Judge's Report and Recommendation is subject to *de novo* review by this court. *See* 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b). The court has reviewed the Report and Recommendation and the record *de novo* as well as Plaintiff's objections and Defendant's response. Plaintiff argues that the ALJ should have called a medical expert to make

a medical determination as to whether Plaintiff's impairment equaled a "listing." But the court agrees with Magistrate Judge Bennett's conclusion that the regulations permit, but do not require, the ALJ to call a medical expert. The court also agrees that substantial evidence supports the ALJ's assessment of Plaintiff's mental impairments in determining Plaintiff's residual functional capacity. The ALJ's determination was tied to substantial evidence in the record, and this court cannot reweigh that evidence or substitute its judgment for that of the ALJ. Accordingly, the court agrees with the Magistrate Bennett's recommendations in their entirety.

The court adopts and affirms Magistrate Judge Bennett's Report and Recommendation as the order of the court. The court, therefore, AFFIRMS the decision of the Commissioner.

DATED this 13th day of June, 2023.

BY THE COURT:


DALE A. KIMBALL
United States District Judge